

SERVED: October 19, 1993

NTSB Order No. EA-4001

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 14th day of October, 1993

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DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	
)	Dockets SE-12843 and
)	SE-12832
v.)	
)	
SCOTT L. SLAY, and)	
ALFRED L. KNOWLES,)	
Respondents.)	
)	
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ORDER DENYING RECONSIDERATION

On consideration of the respondents' request for reconsideration of Board Order EA-3956 (served August 9, 1993) and the Administrator's response in opposition, we have concluded that the request neither establishes error in our original decision nor otherwise presents a valid basis for reconsidering the judgment that respondents' appeal should, on the Administrator's motion, be dismissed for their failure to file a timely appeal brief in support of their appeal.¹

¹We agree with the Administrator that counsel for the respondents' belated suggestion that it was his secretary and not he who miscalculated the due date for the appeal brief is unavailing. Counsel's responsibility to ensure that the brief was filed on time would not be altered by the fact that he delegated to a subordinate the, in our view, nonministerial task of computing the actual deadline.

ACCORDINGLY, IT IS ORDERED THAT:

The petition for reconsideration is denied.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.